

# **EXHIBIT H**



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# Transcript of Peter Lehr

**Date:** March 28, 2023

**Case:** Community Counseling & Mediation Services -v- Oxford Realty & Holdings  
LLC et al

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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C.C.M.S. d/b/a COMMUNITY  
COUNSELING AND MEDIATION  
SERVICES,

Civil Action No.  
20-cv-03429 (NRB)

Plaintiff,

v.

OXFORD REALTY & HOLDINGS LLC,  
WEST 27TH STREET REALTY, INC.,  
MARC PATURET, JOSEPH GRILL,  
MAXIME TOUTON, F. MICHAEL  
CONTE, NIGEL SHAMASH, and  
other similarly situated  
BOARD MEMBERS OF WEST 27th  
STREET REALTY, INC.,

Defendants.

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DEPOSITION OF:

PETER LEHR

Conducted Virtually

Tuesday, March 28, 2023

12:03 p.m. EST

Job No. 486757

Pages 1 - 124

Reported by: Nancy C. Bendish, CCR, RMR, CRR

1 A P P E A R A N C E S:

2 (All participated remotely via  
3 Zoom Videoconference)

4  
5 ON BEHALF OF PLAINTIFF CCMS d/b/a COMMUNITY  
6 COUNSELING AND MEDIATION SERVICES:

7 BAKER HOSTETLER  
8 BY: TARA E. TURNER, ESQ.  
9 45 Rockefeller Plaza  
10 New York, New York 10111  
11 212.589.4200

12  
13 ON BEHALF OF DEFENDANTS 27TH STREET REALTY,  
14 INC., JOSEPH GRILL, MAXIME TOUTON,  
15 F. MICHAEL CONTE:

16  
17 ABRAMS GARFINKEL MARGOLIS BERGSON LLP  
18 BY: BARRY G. MARGOLIS, ESQ.  
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21 212-201-1170

22  
23 ON BEHALF OF DEFENDANT MARK PATURET:

24  
25 BARCLAY DAMON LLP  
BY: DANIEL MARTUCCI, ESQ.  
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New York, New York 10020  
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26  
27 ALSO PRESENT:

28  
29 HAROLD RODRIGUEZ, Planet Depos Technician

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I N D E X

WITNESS	EXAMINATION
PETER LEHR	
By Ms. Turner.....	4

Transcript of Peter Lehr  
Conducted on March 28, 2023

4

1 P E T E R L E H R, having been first duly  
2 sworn, testified as follows:

3 THE REPORTER: Please state your  
4 full name for the record.

5 THE WITNESS: Peter, P-e-t-e-r,  
6 Lehr, L-e-h-r.

7 THE REPORTER: And where are you  
8 presently located?

9 THE WITNESS: I'm in my offices,  
10 Kaled Management, 7001 Brush, B-r-u-s-h, Hollow,  
11 H-o-l-l-o-w, Road in Westbury, New York.

12 - - -

13 EXAMINATION BY MS. TURNER:

14 Q. Good afternoon, Mr. Lehr. My name  
15 is Tara Turner and I will be taking your  
16 deposition today. I represent Community  
17 Counseling and Mediation Services, which is the  
18 plaintiff in the action. Today we're  
19 essentially going to have a conversation, but in  
20 question and answer form. I'm going to ask you  
21 a number of questions. I ask that you answer  
22 each truthfully and to the best of your  
23 knowledge.

24 Before answering, please make sure  
25 I finish asking the question. It's difficult

1 for the court reporter to capture simultaneous  
2 conversation, so only one person should be  
3 speaking at a time.

4 If you do not understand my  
5 question, please ask me to repeat or rephrase  
6 and I'll be happy to do so.

7 The court reporter will be taking  
8 down my questions and your answers, so your  
9 answers must be audible; you'll to say yes or no  
10 rather than nodding your head. Do you  
11 understand?

12 A. I do.

13 Q. Thank you. I mentioned that I  
14 represent Community Counseling and Mediation  
15 Services. I may refer to them throughout the  
16 deposition as CCMS. Will you understand what  
17 that means?

18 A. Yes.

19 Q. Thank you.

20 I may also refer to the defendants  
21 in this action, which are West 27th Street  
22 Realty, Inc., Marc Paturet, Joseph Grill, Maxime  
23 Touton and F. Michael Conte. If I refer to all  
24 defendants, I will use the term "defendants" or  
25 "co-op," but I may also refer more specifically

1 to the board members of the co-op, in which case  
2 I'll say the Co-op Board. Do you understand?

3 A. Yes.

4 Q. Thank you.

5 Finally, if you need a break for  
6 any reason, just let me know. I only ask that  
7 we not take a break while a question is pending.

8 Mr. Lehr, do you understand that  
9 you are now under oath?

10 A. I do.

11 Q. And do you understand that the  
12 testimony you are about to give has the same  
13 force and effect as if you were testifying in a  
14 courtroom?

15 A. Yes.

16 Q. Are you suffering from any medical  
17 conditions, mental or physical, that would  
18 prevent you from testifying fully and truthfully  
19 today?

20 A. No.

21 Q. And are you taking any medications  
22 or substances that would prevent you from  
23 testifying fully and truthfully today or would  
24 otherwise affect your recollection?

25 A. No.



1 Q. Is there anything else I should be  
2 aware of that would prevent you from testifying  
3 fully and truthfully today?

4 A. None.

5 Q. Mr. Lehr, do you understand that  
6 you are here today subject to a subpoena which  
7 compels your attendance?

8 A. Yes.

9 Q. And do you understand that the  
10 parties agreed to conduct this deposition by  
11 remote means?

12 A. Yes.

13 Q. Thank you.

14 Mr. Lehr, have you ever been  
15 deposed before?

16 A. Yes.

17 Q. When were you deposed?

18 MR. MARGOLIS: Objection. You can  
19 answer.

20 A. The last deposition was probably  
21 about a year and a half ago.

22 Q. And what was that deposition in  
23 connection with?

24 A. A trip and fall case.

25 Q. Was it in connection with a

1 specific court?

2 A. I'm sorry, your meaning?

3 Q. Was there a lawsuit for the trip  
4 and fall case?

5 A. Yes.

6 Q. And what court was that lawsuit  
7 in?

8 A. Queens.

9 Q. And what subjects did you testify  
10 about in your deposition?

11 A. Condition of the sidewalk.

12 Q. And was this in connection with  
13 your role at Kaled?

14 A. Yes.

15 Q. And where was the trip and fall?

16 A. Forest Hills.

17 Q. Was this at a property managed by  
18 Kaled?

19 A. Yes.

20 Q. What was the outcome of that  
21 action?

22 A. I don't know.

23 Q. Had you been deposed prior to that  
24 deposition?

25 A. Yes.

1 Q. When was that?

2 A. I don't know.

3 Q. Do you know how many depositions  
4 you've been in total?

5 A. Ten, 12.

6 Q. And were any of these in your  
7 personal capacity?

8 A. No.

9 Q. Were they all in connection with  
10 your role at Kaled?

11 A. Yes.

12 Q. And when would you say the first  
13 time you were deposed was?

14 A. Probably in the '80s.

15 Q. And then most recently as a year  
16 and a half ago?

17 A. Correct.

18 Q. Just generally to the extent you  
19 can recall, what were the subjects of those  
20 actions?

21 A. They were all accidents or trip  
22 and falls.

23 Q. And these were all accidents at  
24 properties managed by Kaled?

25 A. No, in my other -- Kaled and in my

1 other companies that I've worked for.

2 Q. Were any of these actions that  
3 alleged some form of discrimination?

4 A. No.

5 Q. Have you ever given testimony in  
6 court?

7 A. Yes.

8 Q. When was that?

9 A. Maybe seven years ago.

10 Q. Do you recall what the lawsuit was  
11 about?

12 A. It was an accident.

13 Q. And what type of accident?

14 A. Slip and fall.

15 Q. And who were the parties in that  
16 action?

17 A. It was a co-op that we were  
18 representing.

19 Q. And an individual?

20 A. I believe it was a couple.

21 Q. And what did you testify about in  
22 court?

23 A. The condition of the work that was  
24 done in their apartments. Their apartment, I  
25 should say.

1 Q. Is that the only time you've  
2 testified in court?

3 A. I believe there was one other  
4 time.

5 Q. When was that?

6 A. In the '80s.

7 Q. Do you recall the subject of that  
8 action?

9 A. Yes.

10 Q. What was it about?

11 A. It was a worker who was hurt on  
12 the job.

13 Q. When you say hurt, how was the  
14 worker injured?

15 A. A shoulder injury.

16 Q. And who were the parties in that  
17 action?

18 A. It was a building that I  
19 represented.

20 Q. Where was that building?

21 A. 30th Street, Manhattan.

22 Q. Was Kaled involved in that  
23 lawsuit?

24 A. I did not work for Kaled at that  
25 time.

1 Q. Understood.

2 What subject did you testify about  
3 in that action?

4 A. The job that the worker's company  
5 was hired for.

6 Q. What was the outcome of that  
7 lawsuit?

8 A. I believe he lost.

9 Q. And the trip and fall that you  
10 testified in court seven years ago, what was the  
11 outcome of that lawsuit?

12 A. That was a settlement.

13 Q. And just to confirm, have you ever  
14 been deposed or testified in court in your  
15 personal capacity?

16 A. No.

17 Q. Have you ever given testimony in  
18 connection with an arbitration or mediation?

19 A. I've been to arbitrations, yes.

20 Q. Do you recall what actions?

21 A. They were labor, union labor  
22 cases.

23 Q. And I'm sorry, that was union  
24 labor cases?

25 A. Correct.

1 Q. Thank you. What subjects did you  
2 testify about in arbitration?

3 A. Reasons for termination.

4 Q. Were any of these -- did any of  
5 these arbitrations involve Kaled?

6 A. Yes.

7 Q. When was the most recent one?

8 A. I don't recall, several years ago.

9 Q. How many total arbitrations have  
10 you testified in?

11 A. Five, six.

12 Q. Were all of them involving Kaled?

13 A. No.

14 Q. Mr. Lehr, what did you do, if  
15 anything, to prepare for today's deposition?

16 A. I had a conversation with  
17 Mr. Margolis yesterday.

18 Q. Did you speak with anyone else?

19 A. No.

20 Q. Without telling me what you and  
21 your attorney discussed, how long did you meet  
22 with him for?

23 A. An hour.

24 Q. Did you review any material to  
25 prepare for the deposition?

1 A. Only had a conversation.

2 Q. You didn't review any documents?

3 A. No.

4 Q. Do you have any materials in front  
5 of you today?

6 A. No.

7 Q. And is anyone else in the room  
8 with you for this virtual deposition?

9 A. No.

10 Q. Just to confirm, have you met or  
11 spoken with counsel for defendant Marc Paturet  
12 before?

13 A. No.

14 Q. Have you spoken with any of the  
15 individual defendants about today's deposition?  
16 And that would be Michael Conte, Marc Paturet,  
17 Joseph Grill and Maxime Touton?

18 A. No.

19 Q. Have you spoken with anyone from  
20 Kaled about today's deposition?

21 A. Yes.

22 Q. And who is that?

23 A. My employer.

24 Q. And when you say your employer,  
25 who specifically?



1 A. Mr. Kalikow.

2 Q. And what is Mr. Kalikow's full  
3 name?

4 A. Edward Kalikow.

5 Q. What is Mr. Kalikow's role with  
6 respect to Kaled?

7 A. He's the owner.

8 Q. The owner. And what did you  
9 discuss with him?

10 A. That I would be unavailable  
11 between 12 and however long this takes.

12 Q. Did you discuss anything else  
13 regarding the deposition or the action?

14 A. No.

15 Q. Mr. Lehr, have you spoken with  
16 Nigel Shamash or Saul Tawil about today's  
17 deposition?

18 A. No.

19 Q. I'm just going to cover some  
20 background questions regarding your employment  
21 and education.

22 Mr. Lehr, can you please describe  
23 your educational history.

24 A. Bachelor's Degree from Adelphi  
25 University and some master's credits from C.W.

1 Post.

2 Q. Okay. And, for the record, what's  
3 your current occupation?

4 A. I'm Director of Management for  
5 Kaled Management.

6 Q. And what does that role, what kind  
7 of responsibilities does that role have?

8 A. I supervise the property managers  
9 for the company and I also manage property for  
10 the company.

11 Q. And how long have you been in that  
12 role?

13 A. 21 years.

14 Q. And you've always had the same  
15 position?

16 A. No.

17 Q. What position did you hold  
18 previously?

19 A. Property management.

20 Q. And when were you property manager  
21 for Kaled?

22 A. From August of 1999 to October of  
23 20 -- 2002.

24 Q. And then from October 2002 until  
25 present, you were the Director of Management?

1 A. Correct.

2 Q. Did you have any other positions  
3 at Kaled besides those two?

4 A. No.

5 Q. What were your responsibilities  
6 when you were a property manager?

7 A. Manage the day-to-day business of  
8 a building, supervise staff, tend to tenant  
9 complaints and issues.

10 Q. Did that job include visiting the  
11 property that you managed?

12 A. Yes.

13 Q. Did you ever work from the  
14 properties that you managed?

15 MR. MARGOLIS: Objection. If you  
16 understand you can answer.

17 A. I actually don't understand the  
18 question.

19 Q. Sure. Did you have an office at  
20 any of the properties that you managed?

21 A. No.

22 Q. Or any other type of work space at  
23 the properties you managed?

24 A. I'd make phone calls from a  
25 superintendent's desk, if need be.

1 Q. How many properties did you manage  
2 when you were property manager?

3 A. Anywhere from 12 to 20.

4 Q. And how many properties do you  
5 manage now as director?

6 A. Three.

7 Q. Where are those 3 properties?

8 A. The one in question, 129 West 27th  
9 Street, and one in Brooklyn and one in Queens.

10 Q. What kind of properties are those?

11 A. 129 West 27th is a commercial  
12 co-op. The one in Brooklyn is a residential  
13 rental; and the one in Queens is a residential  
14 rental.

15 Q. And how many property managers do  
16 you oversee?

17 A. Six.

18 Q. And how many properties do each of  
19 those property managers oversee?

20 A. Some -- I have one person managing  
21 four properties, and I have one person managing  
22 18 rentals, and the rest are anywhere from five  
23 to seven.

24 Q. And why do you personally manage  
25 three properties?

1 MR. MARGOLIS: Objection. You can  
2 answer.

3 THE WITNESS: I'm sorry, Barry?

4 MR. MARGOLIS: You can answer.  
5 When I object it's just to preserve an objection  
6 on the record. Unless I tell you not to answer,  
7 you're free to answer the question.

8 A. I only manage three properties  
9 because I have to spend most of my time as a  
10 supervisor for the other managers here.

11 Q. Who decided that you would manage  
12 those three properties?

13 MR. MARGOLIS: Objection. You can  
14 answer.

15 A. I did.

16 Q. And why did you choose those  
17 three?

18 A. I never gave it any rhyme or  
19 reason. Those are the ones that I selected.

20 Q. And how long have you been  
21 managing those three properties?

22 A. July of '16 is when I started  
23 managing West 27th Street and November 1st, 2019  
24 is when I started managing those two others.

25 Q. Of the six property managers that

1 you oversee, how many of those properties are  
2 commercial co-op?

3 A. None.

4 Q. What type of properties do your  
5 property managers manage then?

6 A. Cooperatives, residential  
7 cooperatives, residential condos. I do have one  
8 (indiscernible) and I have rental properties and  
9 a retail property.

10 Q. So is the property at 129 West  
11 27th Street, is that the only commercial co-op  
12 that falls under your management?

13 A. Yes.

14 Q. Why is that?

15 MR. MARGOLIS: Objection. You can  
16 answer.

17 A. They came, sought an estimate and  
18 a proposal from my company to manage their  
19 property, and we were the successful bidder.

20 Q. Does anyone else at Kaled manage  
21 commercial co-ops?

22 A. Only me.

23 Q. Do you oversee all of the  
24 properties that Kaled manages?

25 A. I do.

1 Q. I just want to backtrack for a  
2 second. What did you do before you started  
3 working at Kaled?

4 A. I worked at another property  
5 management firm.

6 Q. What's the name of that firm?

7 A. Alexander Wolf & Company.

8 Q. And how long did you work there?

9 A. Early '96 to '99.

10 Q. And what was your position?

11 A. Senior property manager at  
12 Alexander Wolf.

13 Q. Were your responsibilities similar  
14 to that once you joined Kaled as a property  
15 manager?

16 A. Yes.

17 Q. Did you manage any commercial  
18 co-ops while you were with that firm?

19 A. No.

20 Q. Did you have any other positions  
21 before that firm?

22 A. Yes.

23 Q. What were those?

24 A. I worked for a commercial real  
25 estate management company.

1 Q. What's the name of the company?

2 A. No longer exists.

3 Q. What was the name of it when it  
4 existed?

5 A. 30s Group Management.

6 Q. And how long did you work there?

7 A. Three years I think.

8 Q. I'm sorry, that was three years?

9 A. Three years, I think.

10 Q. Thank you. What was your position  
11 there?

12 A. I was a property manager.

13 Q. Again, is it similar  
14 responsibilities to your other property manager  
15 roles?

16 A. Yes.

17 Q. And any other places of  
18 employment?

19 A. Uh-huh.

20 Q. Could you just describe, with  
21 respect to your role at Kaled as a director,  
22 what you do to manage the other property  
23 managers.

24 A. I monitor their emails, I ask for  
25 weekly reports from them to see the things that



1 they are working on. I read the minutes from  
2 Co-op Board meetings. I'm involved in capital  
3 improvements. I help my property managers  
4 develop the scope of work for those capital  
5 work, and help secure and review the estimates  
6 that come in. Talk to them about their staff,  
7 help them with staff issues.

8 Q. When you say capital improvements,  
9 what do you mean?

10 A. Work to the exterior of the  
11 property, brick work, elevators, roof  
12 installations, boiler work.

13 Q. So any physical upkeep of the  
14 property?

15 A. Correct.

16 Q. How much of your day do you spend  
17 managing the three properties that you oversee  
18 personally?

19 A. Varies from day to day. Could be  
20 as little as an hour; could be two hours.

21 Q. So would you say that the majority  
22 of your day is spent managing other property  
23 managers?

24 A. Correct.

25 Q. And where do you primarily work

1 from?

2 A. 7001 Brush Hollow Road.

3 Q. How often do you visit the three  
4 properties that you manage?

5 A. One time a week.

6 Q. How did you determine to visit one  
7 time a week?

8 MR. MARGOLIS: Objection. You can  
9 answer.

10 A. That's payroll day; it's when we  
11 deliver the payrolls to the buildings.

12 Q. Is that the same day across all  
13 three properties?

14 A. It's the same day across the  
15 entire portfolio.

16 Q. And what day of the week is that?

17 A. It's Thursday.

18 Q. So you visit the three properties  
19 you manage every Thursday?

20 A. Yes.

21 Q. And generally how much time do you  
22 spend at each of those three properties?

23 A. Could be an hour, could be two  
24 hours. It depends upon what's going on at any  
25 of those locations.

1 Q. Do you ever visit them on other  
2 days of the week?

3 A. Depends if there's a project going  
4 on or some situation that requires my assistance  
5 or my presence.

6 Q. But typically you visit each  
7 property every Thursday?

8 A. Yes.

9 Q. I want to talk more specifically  
10 about the building at 129 West 27th Street. If  
11 I refer to it as "the building," will you  
12 understand what I mean?

13 A. Yes.

14 Q. 129 West 27th Street is the  
15 building that is the subject of this action,  
16 correct?

17 A. Yes.

18 Q. And can you describe the building  
19 for me?

20 A. It's a 12-story commercial office  
21 building. The individual shareholders are the  
22 owners of each floor.

23 Q. Do you know the size of each floor  
24 in the building?

25 A. Not offhand, no.

1 Q. Does the building have an elevator  
2 system?

3 A. Yes.

4 Q. Does the building have a doorman?

5 A. No.

6 Q. Does the building have an intercom  
7 system?

8 A. Yes.

9 Q. When was that intercom system  
10 installed?

11 A. Recently. Last spring.

12 Q. So, a year ago?

13 A. I believe so, yes.

14 Q. And can you tell me how the  
15 intercom system works.

16 A. It's a video intercom system. So  
17 people would scroll at the directory placed at  
18 the front entrance. It's all touch screen.  
19 They touch on that; it rings to a cell phone or  
20 a tablet. The person is then identified and  
21 they then enter the building, once they swipe  
22 them in.

23 Q. So, if I'm looking at the intercom  
24 system, do I have to select which floor or  
25 business I'm visiting?

1 A. Yes.

2 Q. And then it connects the visitor  
3 to someone on that floor or at that --

4 A. Yes.

5 Q. -- to let them in?

6 A. Yes, that is correct.

7 Q. Why did Kaled install the intercom  
8 system?

9 MR. MARGOLIS: Objection.

10 A. At the direction of the Board of  
11 Directors.

12 Q. Why did the board want to install  
13 an intercom system?

14 A. They were looking to secure the  
15 building better.

16 Q. Is the intercom system working?

17 A. Yes.

18 Q. Would you say it's enhanced  
19 security at the building?

20 A. Yes.

21 Q. For the other properties that you  
22 manage, as well as those that are managed by  
23 your property managers, how many of those have  
24 some type of intercom system?

25 A. Most. Most, if not all.

1 Q. Would you say over 80 percent?

2 A. Yes.

3 Q. And that increases security at all  
4 of those buildings?

5 A. Yes.

6 Q. In your experience, when did  
7 buildings start installing these intercom  
8 systems?

9 MR. MARGOLIS: Objection.

10 A. I couldn't answer that question.

11 Q. Do you think they were installing  
12 them in 2015, which was eight years ago?

13 MR. MARGOLIS: Objection.

14 A. I don't understand your question,  
15 actually.

16 Q. I'm just trying to understand when  
17 some of the buildings that you manage first  
18 began installing these types of intercom system.  
19 So, was this within the last year or have the  
20 buildings been installing these for the past  
21 five to ten years?

22 A. Well, most of my buildings already  
23 have an intercom system; so usually out of the  
24 ground they build them with an intercom system.

25 Q. Okay. So any building built in

1 the last ten years is likely built with an  
2 integrated intercom system?

3 MR. MARGOLIS: Objection.

4 A. Yes.

5 Q. Mr. Lehr, can you identify  
6 individuals or entities that occupy each floor  
7 in the building as of today?

8 A. Yes.

9 Q. Can you walk me through each floor  
10 and who occupies it?

11 A. From the top down, Click Models  
12 occupies 12. 11, 10 and 9th floors are owned  
13 and occupied by the Touton wine merchants. 8  
14 and 7 are owned by Nigel Shamash. 6 is occupied  
15 by Honig Conte Insurance. 5 and 4 are owned and  
16 occupied by GMS. They are an engineering firm.  
17 The third floor is occupied by Hand Held Films.  
18 The second floor is an art studio; and the  
19 ground floor store is also occupied by Hand Held  
20 Films.

21 Q. When you said is Click Models,  
22 that would be owned by Joseph Grill?

23 A. Correct.

24 Q. And Hand Held Films would be owned  
25 by Marc Paturet?

1 A. Correct.

2 Q. You mentioned that the building is  
3 a commercial co-op. Can you just explain to me  
4 how that works?

5 MR. MARGOLIS: Objection.

6 A. It's a cooperative form of  
7 ownership, meaning that the shareholders own the  
8 building.

9 Q. And how many shareholders are  
10 there, currently?

11 A. Let's see. One, two, three, four.

12 MR. MARGOLIS: Peter, why don't  
13 you think in your head, without saying it out  
14 loud, so that the reporter doesn't transcribe  
15 what you're thinking.

16 THE WITNESS: Okay. As she's  
17 smiling at me.

18 A. I believe it's six or seven.  
19 Seven, I believe.

20 Q. How many shares per floor does  
21 each shareholder have?

22 A. There are a thousand shares in the  
23 cooperation and I believe, except for I think  
24 the second floor, which is a little smaller,  
25 it's 70 some odd shares, 72 shares to 70 shares,



1 somewhere in that area, per floor.

2 Q. How long has the building been a  
3 commercial co-op?

4 A. I don't know.

5 Q. Has it been a commercial co-op for  
6 as long as you've managed it?

7 A. Yes.

8 Q. How does the co-op make decisions  
9 with respect to the building?

10 A. The board meets.

11 Q. And when you say the board, how  
12 many board members are there in the co-op?

13 A. There are five.

14 Q. Currently there are five?

15 A. Yes.

16 Q. Have there always been five board  
17 members?

18 A. Yes.

19 Q. So, since you started managing the  
20 building in 2016, there have always been five  
21 board members for the co-op?

22 A. Yes.

23 Q. How does the co-op determine who's  
24 a board member?

25 A. At their annual meeting, they'll

1 meet and if someone wants to step off the board,  
2 they'll ask someone to step on the board.

3 Q. When is that annual meeting held?

4 A. It was just recently held two  
5 weeks ago.

6 Q. Were you present at the annual  
7 meeting two weeks ago?

8 A. Yes.

9 Q. What was discussed at the annual  
10 meeting?

11 A. I brought them up to speed on the  
12 recent -- well, the ongoing capital improvement  
13 project with their boiler, and converting that  
14 to gas. I discussed with them their Local Law  
15 11, which is their exterior facade requirement,  
16 and the need to get that inspection work  
17 finished.

18 I also discussed with them Local  
19 Law 87, which is their energy audit and  
20 retro-commissioning report, which is due at the  
21 end of this year, and whatever impact that  
22 report will have on their Local Law 97, which is  
23 a greenhouse gas emissions report that takes  
24 effect in 2024.

25 Q. Is there an agenda for the annual

1 meeting?

2 A. No, those are just my notes.

3 Q. Are there meeting minutes?

4 A. Yes.

5 Q. And who prepares the meeting  
6 minutes?

7 A. I do.

8 Q. And do you keep copies of all of  
9 the meeting minutes?

10 A. Yes.

11 Q. How do you prepare the minutes?

12 A. I make hand notes, which I then  
13 type into my computer.

14 Q. When do you type up the notes?

15 A. I try to do it the next day. If  
16 not, within a couple days of the meeting.

17 Q. And are you present for all annual  
18 meetings?

19 A. Since I've been managing the  
20 property, yes.

21 Q. Was anyone elected at the most  
22 recent annual meeting?

23 A. The current slate, the current  
24 officers.

25 Q. And who are the current board

1 members?

2 A. Marc Paturet, Joe Grill, Mike  
3 Conte, Maxime Touton and Gary Steficek.

4 Q. And what floor does Gary Steficek  
5 represent?

6 A. 4, 5.

7 Q. And that's the architecture firm?

8 A. Engineering firm, yes.

9 Q. I'm sorry, engineering firm.

10 I believe you said that the  
11 electors are officers. Do the board members  
12 hold individual roles as officers?

13 A. Yes.

14 Q. And what are those?

15 A. President, treasurer, vice  
16 president.

17 Q. And who's the current president of  
18 the board?

19 A. Marc Paturet.

20 Q. Who's the vice president of the  
21 board currently?

22 A. Joe Grill.

23 Q. And who's the treasurer?

24 A. Mike Conte.

25 Q. I'm going to walk through each

1 board member, quickly. How long has Marc  
2 Paturet been a board member for the co-op?

3 A. Since I've been there.

4 Q. And so at least 2016?

5 A. Correct.

6 Q. And how long has he been board  
7 president?

8 A. Since I've been there.

9 Q. How long has Joseph Grill been a  
10 board member for the co-op?

11 A. Same answer, since I've been  
12 there.

13 Q. How long has he been vice  
14 president of the board?

15 A. Since I've been there.

16 Q. And what about Mr. Conte, how long  
17 has he been a board member?

18 A. Same, since I've been there.

19 Q. And how long has he been treasurer  
20 of the board?

21 A. Since I've been there.

22 Q. And what about Mr. Touton; how  
23 long has he been a board member?

24 A. I think Max joined in '18,  
25 '17-'18, I believe.

1 Q. And has he ever held a specific  
2 role on the board?

3 A. Director, I believe.

4 Q. And what about Mr. Steficek, when  
5 did he become a board member?

6 A. He came on in the last year.

7 Q. So was he elected at last year's  
8 annual meeting?

9 A. Yes.

10 Q. And he's also just a director?

11 A. Yes.

12 Q. When did the engineering firm take  
13 over the fourth and fifth floor?

14 A. I don't know.

15 Q. Have they been there as long as  
16 you've been managing the property?

17 A. Yes.

18 Q. Do you know if Mr. Steficek has  
19 ever been a board member prior to when you began  
20 managing the property?

21 A. I don't remember.

22 Q. Going back to the annual meeting  
23 when board members are elected, is there a  
24 nomination process for board members?

25 A. Generally it's the slate that is

1 currently sitting, that is what's presented.

2 Q. And do the shareholders attend the  
3 annual meeting?

4 A. Yes.

5 Q. At the meeting two weeks ago, was  
6 a representative from Oxford at the annual  
7 meeting?

8 A. Yes.

9 Q. Has anyone else ever volunteered  
10 to be a board member besides the five that are  
11 currently board members?

12 A. No.

13 Q. Once an individual states their  
14 interest to become a board member, is there a  
15 vote?

16 A. No. It's very informal when it  
17 comes to that.

18 Q. So as long as the current board  
19 members want to continue for an additional year,  
20 they just continue being a director?

21 A. Yes.

22 Q. Do you know who managed the  
23 building before Kaled?

24 A. His name was Izzy, CMS something.

25 Q. How long did they manage the

1 property for?

2 A. I don't know.

3 Q. Why was the co-op looking for a  
4 new property manager?

5 MR. MARGOLIS: Objection.

6 A. From what they told me, they  
7 didn't think he was doing a very good job.

8 Q. And why wasn't he doing a good  
9 job?

10 MR. MARGOLIS: Objection.

11 A. I don't know.

12 Q. Did they share any examples with  
13 you?

14 A. The biggest project that I had to  
15 take on when I got there was they had a stalled  
16 elevator modernization project because they felt  
17 it wasn't handled correctly.

18 Q. How wasn't it handled correctly?

19 MR. MARGOLIS: Objection.

20 A. The company that was retained went  
21 out of business. The elevator consultant that  
22 they hired was charging exorbitant fees, and it  
23 didn't seem as the manager before me had a  
24 handle on what to do next.

25 Q. Were you able to complete the



1 elevator modernization project?

2 A. Yes, I was.

3 Q. When was that completed?

4 A. I think in 2018.

5 Q. What did that involve?

6 A. We had to replace the controllers,  
7 machines, the motors, all the electric, the  
8 hoist cables, the governor cables on three  
9 elevators. Then the fourth elevator was a  
10 conversion from a manual elevator car to an  
11 automatic car, which required the relocation of  
12 the machine to the roof from the basement.

13 Q. So there are four elevators in the  
14 building that can go to all 12 floors?

15 A. That is correct. Oh, excuse me.  
16 Oh, that's correct, yes, that is correct.

17 Q. What about when you're on the  
18 first floor and you're going to choose an  
19 elevator; is it just an up or down button, or  
20 can you select which floor?

21 A. It's an up or down button.

22 Q. Then once you're in the elevator  
23 you can select the floor?

24 A. That is correct.

25 Q. What kind of things do you do for

1 the building in your role as director at Kaled?

2 A. You mean when I'm on-site?

3 Q. Or off-site.

4 A. I -- if I'm on-site I'll walk  
5 through the property to make sure that things  
6 are repaired, things are neat and clean. I'll  
7 talk with the superintendent, we'll go over  
8 anything -- any issue that he may be having with  
9 any of the building components. Paperwork in  
10 the office, review of invoices, and if I have to  
11 answer an email from a shareholder occupant,  
12 I'll handle that.

13 Q. And who is the super for the  
14 building currently?

15 A. His name is Anthony Valecenti.

16 Q. How long has he been the super for  
17 the building?

18 A. He predates me. I don't know how  
19 long by.

20 Q. And is he employed by the co-op?

21 A. He is.

22 Q. What kind of -- you mentioned  
23 paperwork. What kind of paperwork is there  
24 related to the building?

25 A. Invoices, estimates.

1 Q. Invoices for what?

2 A. Work that has been done.

3 Q. So third-party contractors?

4 A. Yes.

5 Q. How do you determine -- actually,  
6 strike that.

7 Does part of your role include  
8 making recommendations to the board for  
9 improvement projects?

10 A. Yes.

11 Q. How do you determine what needs to  
12 be repaired or improved at the building?

13 A. When -- well, the most important  
14 thing is the Local Law 11 inspection. That's  
15 done every five years, so that helps set up work  
16 that needs to be done. It also, you know, it  
17 gives us a schedule as to when that work should  
18 be done, and generally we can then build upon  
19 what -- how much that will cost, after you  
20 engage an engineer.

21 As far as, you know, looking  
22 around the building, if there are things like  
23 the lighting system is not working, or there's a  
24 staircase on the exterior of the building that  
25 needs to be painted, I will look at that,

1 determine it's time to get back out, scrape it,  
2 make any welding repairs that need to be done,  
3 and recommend that to the board.

4 Q. So it's a combination of preparing  
5 for this inspection as well as just what you  
6 visually observe at the building?

7 A. Yes.

8 Q. And what kind of things are looked  
9 at during the inspection?

10 A. Looking at anything that needs  
11 repair, anything that could be improved upon, to  
12 save money. Changing light fixtures from  
13 incandescent or fluorescent bulbs to LEDs.

14 Q. And does the inspection include  
15 looking at each floor of the building?

16 A. Common areas only.

17 Q. And what about when you visit the  
18 building in person; do you ever access each  
19 floor?

20 A. I will stop from time to time,  
21 yes.

22 Q. How often, would you say?

23 A. As needed.

24 Q. How many times a month?

25 A. I'm in the building four times a

1 month, so as needed when I look in on a tenant.

2 Q. When you say as needed, is that at  
3 the request of the tenant?

4 A. Yes.

5 Q. And do you ever enter the various  
6 floors on your own without being requested?

7 A. If my superintendent is alerting  
8 me to an issue, like a pipe that may need to be  
9 repaired or sprinkler head that maybe needed to  
10 be replaced, that's when we would access the  
11 place.

12 Q. But generally you're only  
13 accessing the 12 floors at the request of the  
14 tenant or the owner?

15 A. Yes.

16 Q. What are your responsibilities as  
17 far as board meetings?

18 A. I make a report on the work that  
19 I'm handling for them, and I keep the minutes  
20 for them.

21 Q. And that's for the annual meeting?

22 A. Yes.

23 Q. What about other types of board  
24 meetings?

25 A. Same.

1 Q. How many board meetings are there  
2 per year, besides the annual meeting?

3 A. Try to meet -- they try to meet  
4 quarterly, if their schedules allow for it.

5 Q. And do you always attend those  
6 meetings?

7 A. Yes.

8 Q. And you prepare the meeting  
9 minutes for the quarterly meetings?

10 A. Yes.

11 Q. What type of things are discussed  
12 at the non-annual meetings?

13 A. The budget and, you know, capital  
14 work and/or repairs that are needed to the  
15 location.

16 Q. Do board members ever discuss a  
17 potential tenant for an empty floor at those  
18 meetings?

19 A. No.

20 Q. How often do you receive emails  
21 from -- or how often do shareholders correspond  
22 with you?

23 A. I couldn't even put a number on  
24 it.

25 Q. Let's say in the last year, how

1 many times has a shareholder from this building  
2 reached out to you about something?

3 A. Probably no more than a dozen  
4 times.

5 Q. And what kind of issues do  
6 shareholders typically raise with you?

7 A. Violation, me showing up at the  
8 building, it should have come to the office, it  
9 will be scanned to me. The 11th floor is under  
10 renovation, so I've had a lot of correspondence  
11 with the architect, the engineer for that  
12 project. Plus the liaison from Touton's  
13 property, you know, his liaison who's working on  
14 the project. That's about it.

15 Q. How often do you reach out and  
16 correspond with shareholders?

17 A. If I need to.

18 Q. Does Kaled sent out the  
19 maintenance bills, or what's their role in  
20 connection with that?

21 A. We prepare the maintenance invoice  
22 and it's sent to a printer and the printer mails  
23 it from his location.

24 Q. And do you resolve any disputes  
25 over the maintenance invoice?

1 MR. MARGOLIS: Objection.

2 A. There have never been disputes.

3 Q. Is there anyone else employed by  
4 Kaled who's responsible for the building?

5 A. Nope, just me.

6 Q. Who is Susan Rubin?

7 A. She's our transfer agent.

8 Q. What does she do as a transfer  
9 agent?

10 A. If there are sales applications,  
11 sublet applications, she collects the  
12 information, collates the information and  
13 forwards it to the board.

14 Q. And how many properties does she  
15 do that for?

16 A. All of our co-op and condominiums.

17 Q. Is there anyone else from Kaled  
18 who performs jobs for the building, for the  
19 co-op?

20 A. Financial people, CFO. His AR and  
21 AP people.

22 Q. But generally you're the main  
23 point of contact for the building?

24 A. Yes.

25 Q. At Kaled.



1 A. Yes.

2 Q. How often do you speak with the  
3 board members of the co-op?

4 A. On an as-needed basis.

5 Q. In a month, how often would you  
6 speak to one of them?

7 A. Mr. Paturet, maybe one, maybe two  
8 times, depending upon what we're dealing with,  
9 as far as repairs. Mr. Conte, I would speak to  
10 him. He might have some questions about the  
11 budget.

12 Q. So, is it fair to say you would  
13 speak to the officers of the board more often  
14 than the general directors?

15 A. Yes.

16 Q. And what is the board president's  
17 role with respect to the co-op?

18 A. He's the Chief Executive Officer  
19 of the co-op.

20 Q. So are there certain things that  
21 he makes decisions for?

22 A. He generally always looks to, when  
23 it comes to spending money, he always looks for  
24 the consensus of the other people on the board.

25 Q. So when it comes to spending

1 money, does that require a vote for approval, or  
2 can the board president approve it?

3 A. Mr. Paturet always looks for the  
4 consensus of the board before we spend a lot of  
5 money.

6 Q. So is a vote taken?

7 A. Yes.

8 Q. And when would that vote occur?

9 A. It could be at a meeting. They  
10 could have a telephone conversation, or it could  
11 be an email.

12 Q. So the board can vote for things  
13 just by approving it in writing?

14 A. Yes.

15 MR. MARTUCCI: Objection.

16 Q. What's the difference between a  
17 shareholder and a board member?

18 A. Shareholder owns shares in the  
19 corporation and a board member is a director of  
20 the corporation.

21 Q. Is there anything that requires  
22 shareholder approval, do you recall?

23 A. I'm sorry, can you say that again.

24 Q. Are there any actions with respect  
25 to the co-op where shareholder approval is

1 required?

2 A. Shareholder approval is required.

3 Can't think of any.

4 Q. So largely the board is  
5 responsible for approving actions with respect  
6 to the building?

7 A. Yes.

8 Q. I want to talk a little more  
9 specifically about board approval. When  
10 something requires board approval, is a vote  
11 taken?

12 A. Yes.

13 Q. Are a certain number of votes  
14 required to approve the action?

15 A. With the board members, I guess  
16 it's just an affirmative vote.

17 Q. But if there are five board  
18 members, is a majority of yes votes required,  
19 or...

20 A. No. Just an affirmative vote.

21 Q. So how do you determine whether  
22 the board has approved something?

23 A. So, if they vote on it and it's  
24 four to one or three to two, that's generally  
25 the affirmative vote, and then I'm told to move

1 forward with a project.

2 Q. So a majority of the board members  
3 have to approve something in order for you to  
4 move forward?

5 A. Yes.

6 Q. Has the board ever voted three to  
7 one to approve something?

8 MR. MARGOLIS: Objection.

9 MR. MARTUCCI: Objection.

10 A. I don't know. I can't recall.

11 Q. Are you ever told what the vote  
12 breakdown is of what each board member voted?

13 A. On a project?

14 Q. Yes.

15 A. No.

16 Q. So, how does the board communicate  
17 to you whether they've approved or disapproved  
18 an action?

19 A. I'm either told that they've  
20 approved it, or I was in the room when they  
21 voted on it.

22 Q. And how are you told when the  
23 board has approved something? Do they email  
24 you?

25 A. Yeah, sometimes I get an email;

1 sometimes I get a call. Depends.

2 Q. How often are things approved in  
3 writing via email versus at a board meeting?

4 A. I couldn't -- I don't know the  
5 answer to that question.

6 Q. At a normal board meeting, how  
7 many items are typically on the agenda that  
8 require approval?

9 MR. MARGOLIS: Objection.

10 A. Depends on what's needed to be  
11 done.

12 Q. At the average board meeting is  
13 there always an item on the agenda that requires  
14 approval, or are there times when nothing  
15 requires approval?

16 MR. MARGOLIS: Objection.

17 A. Sometimes there's an item that  
18 requires approval and sometimes there aren't  
19 any.

20 Q. And then besides those four times  
21 that the board meets per year, how often does  
22 the board take action that don't include a  
23 meeting?

24 MR. MARGOLIS: Objection.

25 A. I don't know.

1 Q. Would you say it's 50 percent of  
2 the time?

3 MR. MARGOLIS: Objection.

4 A. I don't know.

5 Q. Since the COVID-19 pandemic began  
6 in March 2020, has the board still been meeting  
7 in person quarterly?

8 A. No. They met via Zoom.

9 Q. So sometimes the board meets over  
10 Zoom?

11 A. Yes.

12 Q. How often are board meetings held  
13 over Zoom?

14 A. Up until the recent annual meeting  
15 they've been meeting on Zoom.

16 Q. For every meeting?

17 A. Yes.

18 Q. Did they ever meet on Zoom prior  
19 to the pandemic?

20 A. No.

21 Q. Would they ever meet over a  
22 conference call for a board meeting?

23 A. Not that I recall, no.

24 Q. And when the board meetings are  
25 held on Zoom, are you present on Zoom as well?

1 A. Yes.

2 Q. You mentioned that the board  
3 president tries to get a consensus on board  
4 actions. What did you mean by that?

5 A. The approval to move forward with  
6 projects.

7 Q. Is it your experience that  
8 typically the board members all vote the same to  
9 approve or disapprove a project?

10 A. I would say they usually vote in  
11 approval.

12 Q. They typically all vote the same  
13 way?

14 MR. MARTUCCI: Objection.

15 A. Yes.

16 Q. Now I'm going to talk specifically  
17 about the sublease process. Can you walk me  
18 through the process for sublease approval.

19 A. There's an application that has to  
20 be processed, or filled out and then sent into  
21 the office and then it's sent up to the board  
22 for their review.

23 Q. And when does the board first get  
24 involved in the sublease process?

25 A. When they receive the application.

1           Q.       Is the board or any of the board  
2 members ever involved in the sublease  
3 negotiation?

4           A.       No.

5           Q.       Does the board ever get questions  
6 from shareholders about subtenants?

7           A.       Not that I'm aware of.

8           Q.       And what about Kaled; what is your  
9 role in connection with the sublease process?

10          A.       We collect the information and we  
11 forward the information to the board.

12          Q.       And does Kaled do a credit check  
13 or background check of any type?

14          A.       If we're asked to, yes.

15          Q.       Does Kaled make a recommendation  
16 as far as whether the subtenant is approved?

17          A.       No.

18          Q.       What about if a background check  
19 is required; does Kaled make a recommendation  
20 with respect to that background check?

21          A.       No.

22          Q.       Who created the sublease  
23 application?

24          A.       I think it was Mike Conte, I  
25 think.



1 Q. When did Mr. Conte create the  
2 sublease application?

3 A. Don't recall when.

4 Q. You mentioned that Susan Rubin was  
5 the transfer agent?

6 A. Um-hum.

7 Q. For all properties. Does she use  
8 a sublease application with other properties?

9 A. I believe each sublease  
10 application is pertinent to the location.

11 Q. So the application is unique to  
12 each property?

13 A. That is correct.

14 Q. There's no universal application  
15 used by Kaled?

16 A. Not that I'm aware of.

17 Q. Did you work with Mr. Conte to  
18 create the sublease application for the  
19 building?

20 A. No.

21 Q. What's required in the sublease  
22 application for the building?

23 A. I don't know.

24 Q. Once a prospective tenant submits  
25 a sublease application and it's given to the

1 board, what's the next step?

2 A. The board discusses it and then  
3 gives us what they want to do with it.

4 Q. And how do they discuss?

5 A. I don't know.

6 Q. Is there a vote taken on the  
7 sublease applicant?

8 A. I don't know.

9 Q. Do they conduct an interview of  
10 the sublease applicant?

11 A. If they want.

12 Q. But largely Kaled is hands-off  
13 when it comes to the sublease application?

14 A. Yes.

15 Q. How many subtenants have there  
16 been at the building since Kaled began managing  
17 it?

18 A. I believe there were two when we  
19 got there.

20 Q. Who were those subtenants?

21 A. The 11th floor and I believe the  
22 seventh or eighth floor.

23 Q. Who was subleasing the 11th floor?

24 A. That was Eric Doctormann's  
25 company.

1 Q. And which shareholder was  
2 Mr. Doctormann subleasing from?

3 A. No. He was the sublessor. It was  
4 his floor.

5 Q. Okay. His company was the  
6 subtenant?

7 A. The company that was the  
8 subtenant, which I believe it was an electrical  
9 submetering company.

10 Q. How long did they sublease the  
11 11th floor?

12 A. They left, I'd say, the end of  
13 last year.

14 Q. And that's 2022?

15 A. Yes.

16 Q. Why did they leave?

17 A. Their lease was up and the Toutons  
18 purchased the floor from Mr. Doctormann.

19 Q. And they were subleasing from 2016  
20 when Kaled took over managing the property until  
21 2022?

22 A. Yes.

23 Q. And was Mr. Doctormann a board  
24 member at any time?

25 A. Yes.

1 Q. How long was he a board member?

2 A. From when I got there until the  
3 time he sold his shares to the Toutons.

4 Q. And what was the process to  
5 approve his subtenant for the 11th floor?

6 A. I don't know.

7 Q. Do you know if the submetering  
8 company filled out a sublease application?

9 A. I do not know.

10 Q. Did you ever see the lease  
11 agreement between Mr. Doctormann and the  
12 electrical company?

13 A. No.

14 Q. But you know that it always  
15 existed because his lease was up in 2022?

16 A. Yes.

17 Q. Do you know if the board voted to  
18 approve the subtenant for the 11th floor?

19 A. I do not know.

20 Q. Were there any issues with the  
21 subtenant on the 11th floor?

22 A. I had none.

23 Q. Did any other occupants,  
24 shareholders, board members, have issues with  
25 the subtenant on the 11th floor?

1 A. None that I'm aware of.

2 Q. You said there was another  
3 subtenant on the seventh or eighth floor. Who  
4 was that subtenant?

5 A. It was a media firm.

6 Q. Do you recall the name?

7 A. No.

8 Q. How long were they a subtenant?

9 A. Two years maybe. I don't even  
10 remember.

11 Q. When did they begin subleasing the  
12 seventh or eighth floor?

13 A. I don't remember.

14 Q. Were they subleasing when you took  
15 over management of the property in 2016?

16 A. I believe so, yes.

17 Q. And did the lease end or,  
18 actually, strike that.

19 Did they stop subleasing around  
20 2018?

21 A. I believe so, yeah.

22 Q. Were there any issues with that  
23 subtenant?

24 A. No.

25 Q. None of the shareholders, board

1 members, occupants, had issues with the  
2 subtenant on the seventh or eighth floor?

3 A. No.

4 Q. Do you know when they stopped  
5 subleasing?

6 A. No.

7 Q. Did you help arrange for them to  
8 move out of the building?

9 A. No.

10 Q. How would they have moved out?

11 MR. MARGOLIS: Objection.

12 A. They would have spoken to my super  
13 and said we're moving out on this date.

14 Q. And would Kaled have required a  
15 certificate of insurance or anything?

16 A. I don't think we did.

17 Q. So it's not Kaled's policy that  
18 certificates of insurance are required for  
19 movers?

20 MR. MARGOLIS: Objection.

21 A. I'd like to see them, yes. I  
22 don't think we asked for one at this time.

23 Q. Did this media firm that was  
24 subleasing the seventh or eighth floor, did they  
25 submit a sublease application?

1 A. Not that I'm aware of.

2 Q. Did they have a sublease agreement  
3 with Oxford, who owned the seventh and eighth  
4 floor?

5 A. I guess so.

6 Q. Did you ever see the sublease  
7 agreement?

8 A. No.

9 Q. Do you know if the board approved  
10 them as a subtenant?

11 A. No.

12 Q. But there have been at least two  
13 subtenants in the building since Kaled took over  
14 managing the property in 2016?

15 A. Yes.

16 Q. Were there any other subtenants  
17 that you're aware of?

18 A. No.

19 Q. Even prior to when Kaled took over  
20 management?

21 A. No.

22 Q. I want to go back to just the  
23 process to approve a sublease. How does the  
24 board approve a sublease?

25 MR. MARGOLIS: Objection.

1 A. I don't know.

2 Q. That was I don't know?

3 A. That is correct.

4 Q. Sorry, I couldn't hear you.

5 A. Oh, sorry.

6 Q. You're not aware of any policies  
7 or procedures for the board to consider a  
8 sublease applicant?

9 A. No.

10 Q. Why is that?

11 MR. MARGOLIS: Objection.

12 A. It's up for them to decide. We  
13 don't get involved.

14 Q. So if they wanted to have a  
15 five-minute phone call to discuss a sublease  
16 applicant and emailed you that the applicant was  
17 approved, that would be sufficient?

18 A. If they say it was approved, then  
19 it would be sufficient, yes.

20 Q. So there is no requirement for the  
21 board to hold an interview or meet in person to  
22 consider a sublease applicant?

23 A. It's up to them.

24 Q. Have any of the board members  
25 discussed the process for approving sublease



1 applicants with you?

2 A. No.

3 Q. And how did Mr. Conte share the  
4 sublease application with you?

5 A. I'm not sure what you mean.

6 Q. You stated earlier that Mr. Conte  
7 created the sublease application. How did he  
8 share it with you?

9 A. I think he sent back the  
10 application the way he wanted it.

11 Q. And when was that?

12 A. I don't remember.

13 Q. Would it have been prior to CCMS's  
14 sublease application?

15 A. I don't remember.

16 Q. Were there any other sublease  
17 applicants in the time period of 2016 up until  
18 2020 when CCMS applied?

19 A. No.

20 Q. So, is it fair to say that the  
21 sublease application would have been created  
22 around the time that CCMS applied?

23 A. I don't know.

24 Q. Are there any requirements for  
25 board members to attend a meeting to approve a

1 sublease applicant?

2 A. No.

3 Q. What about any minimum number of  
4 board members that must approve a sublease?

5 A. No.

6 Q. Is there any requirement that an  
7 interview take place in person?

8 A. No.

9 Q. And what about preparing meeting  
10 minutes for an interview to approve a sublease  
11 applicant; who would be responsible for that?

12 A. Not me.

13 Q. Is there any requirement about  
14 preparing meeting minutes?

15 A. Not that I'm aware of.

16 Q. What about informing the applicant  
17 of the decision; who's responsible for that?

18 A. That would come back to us, and I  
19 guess we would have to inform the prospective  
20 applicant.

21 Q. How would you do that?

22 A. I would imagine via email.

23 Q. And does Kaled have any policies  
24 about informing applicants in a certain amount  
25 of time?

1           A.       Generally I think we do it as soon  
2 as we're aware of it.

3           Q.       But there's no official policy?

4           A.       No.

5           Q.       Is there a process to appeal a  
6 sublease denial?

7           A.       Not that I'm aware of.

8           Q.       Is there any formal notice that's  
9 issued to an applicant regarding a sublease?

10                  MR. MARGOLIS:  Objection.

11           A.       I believe it's just an email,  
12 letting them know.

13           Q.       And is there any way for a  
14 sublease applicant to contact the board  
15 regarding their application?

16           A.       No.

17           Q.       And just to clarify, during the  
18 time period that Kaled has been managing the  
19 property, how many interviews of sublease  
20 applicants have there been?

21           A.       Only one, I believe.

22           Q.       And is that interview the subject  
23 of this action?

24           A.       Yes.

25           Q.       With respect to the seventh and

1 eighth floor, have there been any other sublease  
2 applicants since CCMS?

3 A. No.

4 Q. Have other prospective tenants  
5 visited the building to view the seventh and  
6 eighth floors?

7 A. Not that I'm aware of.

8 Q. And is anyone currently using the  
9 seventh and eighth floor?

10 A. Yes.

11 Q. Who is currently using the seventh  
12 and eighth floor?

13 A. Oxford moved back into the eighth  
14 floor.

15 Q. When did they move back into the  
16 eighth floor?

17 A. A week ago.

18 Q. Did they tell you why?

19 A. No.

20 Q. How do you know that they moved  
21 back in a week ago?

22 A. They told us at the annual  
23 meeting.

24 Q. Did they give any explanation?

25 A. No.

1 Q. Did they hire movers to move their  
2 office furniture in?

3 A. No.

4 Q. How did they get their office  
5 furniture back in the eighth floor?

6 A. There was furniture already on the  
7 floor.

8 Q. How long had that furniture been  
9 there?

10 A. For as long as I can recall.

11 Q. Have you seen any Oxford employees  
12 coming to or from the building since they moved  
13 back in?

14 A. Yes.

15 Q. Do you know who they were?

16 A. Nigel.

17 Q. When did you see Nigel at the  
18 building?

19 A. Last Thursday.

20 Q. Did you speak with him?

21 A. Yes.

22 Q. What did you discuss?

23 A. What he wants to paint in the  
24 place.

25 Q. And is he occupying the floor in

1 connection with Oxford or another company?

2 A. Oxford.

3 Q. Is that what he told you?

4 A. Yes.

5 Q. What about Saul Tawil, have you  
6 seen him at the building?

7 A. No.

8 Q. Does he attend board meetings?

9 A. No.

10 Q. Does he attend any type of meeting  
11 of shareholders?

12 A. He may have, but I don't recall.

13 Q. Is it typically Nigel who attends  
14 meetings in connection with the property?

15 A. At the annual his father did.

16 Q. And who is his father?

17 A. Mr. Shamash.

18 Q. Do you know his first name?

19 A. No.

20 Q. What's his role in connection with  
21 Oxford?

22 A. I don't know.

23 Q. Have you seen anyone else using  
24 the seventh or eighth floor in the past few  
25 weeks?

1 A. No.

2 Q. I have a few more questions about  
3 the entities and individuals who occupy each  
4 floor, so I'm going to try to go floor by floor.

5 Mr. Lehr, have you ever visited  
6 the first floor space?

7 A. Yes.

8 Q. Can you generally describe it.

9 A. Hand Held Films, it is a -- it's  
10 almost like a warehouse, filled with film  
11 equipment.

12 Q. And Hand Held Films has occupied  
13 that space for as long as Kaled has managed it?

14 A. Yes.

15 Q. How many people work in the first  
16 floor space daily?

17 A. Don't know.

18 Q. Do you know how many employees  
19 Hand Held Films has?

20 A. No.

21 Q. When you visit on Thursdays, do  
22 you typically see people on the first floor?

23 A. Yes.

24 Q. How many?

25 A. I've never counted.

1 Q. More than one?

2 A. Yes.

3 Q. Do you know the operating hours  
4 for Hand Held Films?

5 A. No.

6 Q. And what kind of business is Hand  
7 Held Films operating?

8 A. They rent film equipment.

9 Q. Where do they store the film  
10 equipment?

11 A. On the first floor and in the  
12 basement.

13 Q. So they have employees who have to  
14 bring the film equipment up to the first floor?

15 A. Well, the first floor is the  
16 ground floor, so it just rolls in off the  
17 street.

18 Q. But for the equipment that's kept  
19 in the basement, how will they get that up to  
20 the first floor?

21 A. They have an internal elevator.

22 Q. And that requires employees to  
23 operate it?

24 A. Yes.

25 Q. For the remaining floors, the



1 second through the 12th floor, generally do they  
2 have a similar layout?

3 A. Yes.

4 Q. Could you just generally describe  
5 it.

6 A. The second floor is an art studio.  
7 It's generally an open space. Third floor is  
8 also occupied by Hand Held Films, and that is  
9 where they keep their cameras and lenses and  
10 that is where they service the lenses, and then  
11 I guess test them to make sure that they are in  
12 focus.

13 Fourth and fifth floors are open  
14 spaces with cubicles. Sixth floor is a bullpen  
15 area with cubicles and private offices. Seventh  
16 floor I don't remember. Eighth floor is  
17 cubicles with private offices. The ninth floor  
18 is open floor plan with private offices. The  
19 tenth floor is the same; and when the 11th is  
20 finished, it will be the same. And the 12th  
21 floor is open layout with private offices.

22 Q. So besides the first, second and  
23 third floors, generally the remaining floors are  
24 organized as office space?

25 A. Yes.

1 Q. When you visit the building on  
2 Thursday, do you see -- who do you normally see?

3 A. I don't understand your question.

4 Q. When you visit on Thursdays, do  
5 you ever see Mr. Conte or anyone from his  
6 business?

7 A. If I need to, I will go and visit  
8 him.

9 Q. Is he generally there when you  
10 visit on Thursdays?

11 A. Yes.

12 Q. What about employees that work at  
13 Touton, do you generally see them on Thursdays  
14 when you visit?

15 A. If I need to speak to the person  
16 who's in charge of their 11th floor restoration,  
17 yes, I will see employees.

18 Q. And what about for the 12th floor?

19 A. No. Very rarely.

20 Q. And do you often see Mr. Grill at  
21 the building?

22 A. I usually see Joey on the street.

23 Q. Why do you see him on the street?

24 A. He's going to lunch usually when I  
25 land there.

1 Q. And for the past few years, how  
2 often have you seen Mr. Shamash, Mr. Tawil or  
3 anyone affiliated with Oxford?

4 A. At an annual meeting.

5 Q. But you don't typically see them  
6 on Thursday when you visit the building?

7 A. Correct.

8 Q. Up until a week ago?

9 A. Correct.

10 Q. What about in 2016 through 2018,  
11 how often did you see employees of that  
12 subtenant on the seventh or eighth floor?

13 A. I don't know.

14 Q. And there were never any issues  
15 with the subtenant that was occupying the  
16 seventh or eighth floor during that time?

17 A. None that I'm aware of.

18 Q. If a tenant was having an issue  
19 with another tenant in the building, would they  
20 reach out to you with those issues?

21 A. I guess if they were having one,  
22 yes, they would reach out.

23 Q. Has that happened in the seven  
24 years you've been managing the building?

25 A. No.

1           Q.       So, if water was leaking from the  
2 space -- say water was leaking from the 12th  
3 floor onto the 11th floor, would someone from  
4 the 11th floor reach out?

5                   MR. MARGOLIS:  Objection.

6           A.       They would probably tell my  
7 superintendent before I even heard about it.

8           Q.       And the super would resolve the  
9 issue?

10          A.       Yes.

11          Q.       To the extent he could?

12          A.       Yes.

13          Q.       And how often do you talk to the  
14 super?

15          A.       I see him at least once a week  
16 and, you know, if we need to communicate, we  
17 speak.

18          Q.       And how does he communicate with  
19 you?

20          A.       Text or call.

21          Q.       Does he ever email?

22          A.       No.

23          Q.       Do you ever visit the building on  
24 the weekends?

25          A.       No.

1 Q. Why not?

2 A. Because I don't.

3 Q. Would any representative of Kaled  
4 visit the building on the weekends?

5 A. No.

6 Q. Is the building open on weekends?

7 A. It's open to residents if they  
8 choose -- well, the occupants, if they chose to  
9 go in.

10 Q. But Kaled doesn't have any rules  
11 about who can enter the building on weekends?

12 A. No.

13 MS. TURNER: I'm at a good  
14 stopping point if we want to take a 10 or  
15 15-minute break.

16 MR. MARGOLIS: I think that would  
17 be a good idea. It's 1:35. Do you want to  
18 resume at 1:45?

19 MS. TURNER: Sure. Does that work  
20 for everyone else?

21 MR. MARTUCCI: That's fine for me.

22 (Recess taken.)

23 BY MS. TURNER:

24 Q. Welcome back, Mr. Lehr.

25 During the break did you have any

1 conversations with your attorney?

2 A. Yes.

3 Q. What did you discuss?

4 A. How much longer I should be  
5 expecting to be in this deposition.

6 Q. How much longer did he say?

7 A. He said to figure another hour.

8 Q. Did you discuss anything else?

9 A. No.

10 Q. We spent the first half talking  
11 about the building and the co-op generally, but  
12 I want to focus on the events that led up to  
13 this action. What's your understanding of the  
14 lawsuit against the co-op?

15 A. It's a discrimination case from  
16 what I understand.

17 Q. Have you ever been involved in a  
18 discrimination case at any time?

19 A. No.

20 Q. Do you know anything about  
21 discrimination when it comes to leasing office  
22 space?

23 A. Yes.

24 Q. What do you know about it?

25 A. Just what I memorized for my

1       licensing exam.

2               Q.       What did you have to memorize for  
3       your licensing exam?

4               A.       I don't recall.

5               Q.       When did you take the licensing  
6       exam?

7               A.       Many years ago.

8               Q.       Does Kaled have any policies  
9       regarding, you know, preventing discrimination  
10      in lease applications?

11              A.       Yes.

12              Q.       What are those policies?

13              A.       Every policy is -- every lease is  
14      looked at as a blank canvas, for lack of a  
15      better term. So they come in, they're looked at  
16      to make sure that we meet -- the rentals meet  
17      the financial requirements, and they are  
18      approved.

19              Q.       And is that for the residential  
20      co-ops and rentals that Kaled manages?

21              A.       Residential rental properties that  
22      we own and manage.

23              Q.       But for both commercial and  
24      residential co-ops, it would be up to the co-op  
25      to determine whether to rent --

1 A. That is correct.

2 Q. Is there, for your residential  
3 rentals that you manage, is there an interview  
4 process for applicants?

5 A. No.

6 Q. Do you receive a photo of the  
7 applicant?

8 A. After they sign a lease, yes.

9 Q. What's the purpose of the photo?

10 A. So we can match up when we hand  
11 off the keys.

12 Q. How do you ensure that you're not  
13 discriminating against a person based on their  
14 photo?

15 MR. MARGOLIS: Objection.

16 MR. MARTUCCI: Objection.

17 A. That is handled by my leasing  
18 department, so I don't know the answer to that  
19 question.

20 Q. And is the leasing department  
21 different than Susan Rubin's role?

22 A. Yes.

23 Q. What factors does the leasing  
24 department consider when they're renting to  
25 applicants?



1 A. Credit score.

2 Q. Any other factors?

3 A. I believe also income ratio to  
4 rent.

5 Q. What about rental history?

6 A. I don't know.

7 Q. Do you consider how many visitors  
8 someone might have to their rental unit?

9 A. No.

10 Q. You're mainly just concerned with  
11 the financial fitness of the applicant?

12 A. Yes.

13 Q. And does Kaled have any policies  
14 with respect to lease applicants where the  
15 property is a co-op, whether commercial or  
16 residential?

17 A. It's all determined by the co-op  
18 itself.

19 Q. Do you understand that this  
20 lawsuit concerns attempted sublease of the  
21 eighth floor?

22 A. Yes.

23 Q. At the building.

24 And when did Oxford take over the  
25 eighth floor?

1 A. I don't know.

2 Q. Was it before you began managing  
3 the property?

4 A. I guess so.

5 Q. Have you ever seen a copy of  
6 Oxford's lease for the eighth floor?

7 A. No.

8 Q. Would you typically see -- have  
9 copies of leases for each of the floors in the  
10 building?

11 A. You mean the proprietary lease?

12 Q. Yes. Or a sublease.

13 A. That's all kept at the building.

14 Q. I think you mentioned earlier that  
15 you've visited the eighth floor before; is that  
16 correct?

17 A. Yes.

18 Q. Does it have a reception area?

19 A. Yes.

20 Q. Does it have a bathroom?

21 A. Yes.

22 Q. Does it have windows?

23 A. Yes.

24 Q. Elevator access?

25 A. Yes.

1 Q. Have offices?

2 A. Yes.

3 Q. Do you know how many private  
4 offices are on the eighth floor?

5 A. No.

6 Q. Would you say it's more than ten?

7 A. Ten sounds about right.

8 Q. Do you recall when CCMS applied to  
9 sublease the eighth floor?

10 A. No.

11 Q. Does December 2019 sound familiar?

12 A. Yes, I guess so.

13 Q. But you don't recall the exact  
14 date?

15 A. No.

16 Q. During that time, December 2019,  
17 how many floors were occupied in the building?

18 A. All the floors except the seventh  
19 and eighth floors.

20 Q. And Mr. Paturet was still  
21 occupying the first floor, the basement and the  
22 third floor at that time?

23 A. Yes.

24 Q. And Mr. Conte's business was  
25 occupying the sixth floor at that time?

1 A. Yes.

2 Q. At that time Touton was only  
3 occupying the ninth and tenth floors, correct?

4 A. Yes.

5 Q. And I believe we mentioned  
6 Mr. Doctormann earlier. He owned the 11th floor  
7 but was not occupying it at that time?

8 A. Correct.

9 Q. And Joseph Grill with Click Models  
10 was occupying the 12th floor at that time,  
11 correct?

12 A. Yes.

13 Q. And what about the second floor;  
14 was anyone occupying that floor at that time?

15 A. That is an art studio that was  
16 occupied, yes.

17 Q. The same art studio that occupies  
18 it today?

19 A. Yes.

20 Q. And what about the fourth and  
21 fifth floor, who was occupying those floors?

22 A. The engineering firm.

23 Q. Same engineering firm that  
24 occupies those floors today?

25 A. Yes.

1 Q. And who were the board members at  
2 the time that CCMS decided to sublease the  
3 eighth floor?

4 A. Mr. Paturet, Mr. Grill, Mr. Conte,  
5 Mr. Touton and Mr. Doctormann.

6 Q. Do you know the race or ethnicity  
7 for those five individuals?

8 A. Yes.

9 Q. What are their races?

10 A. They're white.

11 Q. Are they all white?

12 A. Yes.

13 Q. Prior to CCMS submitting a  
14 sublease application, had you ever heard of it?

15 A. Heard of what?

16 Q. Heard of CCMS.

17 A. No.

18 Q. Had you ever heard of its  
19 president, Mr. Emory Brooks?

20 A. No.

21 Q. What kind of business did you  
22 think CCMS would be operating in the building?

23 A. I don't know.

24 Q. And CCMS submitted a sublease  
25 application for the building?

1 A. Yes.

2 Q. Do you recall when that was  
3 submitted?

4 A. I'm sorry?

5 Q. Do you recall when that was  
6 submitted?

7 A. No.

8 Q. Did you review the application?

9 A. No.

10 Q. Who reviewed it?

11 A. It was, the information was  
12 collected and it was forwarded to the board.

13 Q. Did Susan Rubin review it?

14 A. Susan collected the information  
15 and forwarded it to the board.

16 Q. And what happened after the  
17 application was forwarded to the board?

18 A. Don't know.

19 Q. Was an interview scheduled?

20 A. Yes.

21 Q. When was that interview scheduled  
22 for?

23 A. I don't know.

24 Q. Do you know where the interview  
25 was?

1 A. It was at the building.

2 Q. Do you know how long the interview  
3 was?

4 A. No.

5 Q. Who was present at the interview?

6 A. Don't know.

7 Q. Following the interview, did  
8 anyone discuss CCMS with you?

9 A. No.

10 Q. How did you learn that CCMS had  
11 been denied their sublease?

12 A. Received an email from Mr. Conte.

13 Q. And what did Mr. Conte say?

14 A. That they were denied.

15 Q. And did anyone from Kaled inform  
16 CCMS of the denial?

17 A. I don't know, actually.

18 Q. Should anyone from Kaled have  
19 informed CCMS of the denial?

20 MR. MARTUCCI: Objection.

21 MR. MARGOLIS: Objection.

22 A. If anything, we went back to  
23 Oxford.

24 Q. And who on the board voted to deny  
25 the sublease?

1 A. Don't know.

2 Q. Before CCMS submitted this  
3 application, was anyone from Oxford in contact  
4 with you?

5 A. I don't recall.

6 Q. About the building.

7 A. Don't recall.

8 Q. What about any other board  
9 members?

10 A. Don't recall.

11 Q. Do you recall if CCMS attempted to  
12 move furniture or office equipment into the  
13 building?

14 A. They did.

15 Q. Can you tell me about that?

16 A. My superintendent let me know that  
17 they were moving furniture into the floor.

18 Q. When was that?

19 A. I don't remember the date.

20 Q. Was that before CCMS submitted a  
21 sublease application?

22 A. Think so.

23 Q. What was your response to that?

24 A. I think we told them to stop.

25 Q. Why?



1           A.       Because they weren't authorized to  
2 occupy the floor.

3           Q.       And who was going to authorize  
4 whether they could occupy the floor?

5           A.       The Board of Directors, after they  
6 reviewed their application.

7           Q.       How did you know that they weren't  
8 yet authorized?

9           A.       Because I'd never heard of them.

10          Q.       Did you reach out to anyone from  
11 the board to confirm whether they were  
12 authorized?

13          A.       I don't remember.

14          Q.       Do you recall when CCMS attempted  
15 to move furniture in, the exact date?

16          A.       I don't.

17          Q.       Was it sometime in December 2019?

18          A.       I don't remember.

19          Q.       Was there any discussion that CCMS  
20 needed a certificate of insurance in order to  
21 move furniture in?

22          A.       No, I don't remember.

23          Q.       If there was already furniture on  
24 the eighth floor, why was CCMS moving in their  
25 own furniture?

1           A.       I don't know.

2                   MS. TURNER:   Harold, if you could  
3 pull up Exhibit GG, which has been premarked and  
4 was used in the deposition of Nigel Shamash.

5                   THE TECHNICIAN:   Sure.   Stand by,  
6 please.

7           Q.       Mr. Lehr, if you could just take a  
8 second to quickly review this document and then  
9 I have a couple questions about it.   And you can  
10 let Harold know when to scroll down.

11                   (Witness reviewing document.)

12                   THE WITNESS:   You can scroll down.  
13 Okay, you can stop.

14                   (Witness reviewing document.)

15                   THE WITNESS:   You can scroll down.  
16 Stop.

17                   (Witness reviewing document.)

18           A.       Okay.

19           Q.       Mr. Lehr, do you recognize this  
20 document?

21           A.       No, not really.

22           Q.       Looking at the center of the  
23 document, is that your email address, Peter  
24 Lehr, peter@kaled.com?

25           A.       It is.

1 Q. Do you have any reason to believe  
2 you didn't receive this email on December 19th,  
3 2019?

4 A. I did receive it.

5 Q. You just don't recall the  
6 specifics of it?

7 A. That is correct.

8 Q. Mr. Lehr, why did you forward  
9 Mr. Shamash's email to Mr. Paturet, Mr. Conte,  
10 Mr. Grill, Mr. Touton and Mr. Doctormann on  
11 December 19, 2019?

12 A. I was alerting them to a new  
13 sublet.

14 Q. Was that standard procedure to  
15 inform them of the sublease?

16 A. Yes.

17 Q. Did any of the board members who  
18 you sent the email to respond?

19 A. I don't recall.

20 Q. Why did you cc Susan Rubin on the  
21 email when you forwarded it?

22 A. She's our transfer agent.

23 Q. Did Susan respond to this email?

24 A. I don't recall.

25 Q. Did you read Mr. Shamash's email?

1 A. At the time?

2 Q. Yes.

3 A. Most likely.

4 Q. Did you have any opinions about  
5 the sublease?

6 A. No.

7 Q. Based on his email?

8 A. No.

9 MS. TURNER: Harold, you can take  
10 that document down. If you can pull up Exhibit  
11 H, it's been premarked as Exhibit H and was used  
12 in the deposition of Emory Brooks.

13 Q. Mr. Lehr, if you could just take a  
14 second to review this document and let me know  
15 when you're ready. You can ask Harold to scroll  
16 down.

17 (Witness reviewing document.)

18 THE WITNESS: Okay. Stop.

19 You can move it down. Okay.

20 MS. TURNER: Harold, we're going  
21 to focus on the end of the document. Next page,  
22 please. Right there.

23 Q. Mr. Lehr, do you recognize this  
24 email?

25 A. No.

1 Q. Is that your email address, Peter  
2 Lehr, peter@kaled.com?

3 A. Yes.

4 Q. Was this email sent December 23rd,  
5 2019?

6 A. Yes.

7 Q. You just don't recall the  
8 specifics of the email right now?

9 A. Correct.

10 Q. What's your understanding of  
11 Susan's email to Mr. Shamash?

12 MR. MARGOLIS: Objection.

13 A. To have the applicant complete the  
14 application.

15 Q. Why is Ms. Rubin sending the  
16 application to Mr. Shamash four days after  
17 Mr. Shamash emailed you about the sublease?

18 A. I don't know.

19 Q. Is it normal for it to take four  
20 days to provide the sublease application?

21 A. I don't know.

22 Q. Is it possible that in those four  
23 days Mr. Conte created the sublease application  
24 and provided it to you?

25 A. Don't know.

1 Q. But is it possible?

2 A. I don't know.

3 MR. MARGOLIS: Objection.

4 Q. You don't know if it's possible?

5 MR. MARGOLIS: Objection.

6 Anything is possible. It's not a proper  
7 question.

8 MS. TURNER: Barry, I'm just going  
9 to ask that you don't have any speaking  
10 objections.

11 MR. MARGOLIS: Well, you repeated  
12 the question two times and so the witness  
13 answered your question.

14 Q. Mr. Lehr, did you ask Ms. Rubin to  
15 send the sublease application to Mr. Shamash?

16 A. I don't recall.

17 Q. Did you forward the email we were  
18 just looking at premarked GG to Ms. Rubin?

19 A. Yes.

20 Q. And what did you say in your email  
21 to her?

22 A. I don't remember.

23 Q. But somehow Ms. Rubin knew to send  
24 the sublease application to Mr. Shamash?

25 A. Yes.

1 Q. And you don't know when the  
2 sublease application was created?

3 A. No.

4 Q. Or how you received it?

5 A. No.

6 Q. But it was not a document created  
7 by Kaled?

8 A. No.

9 MS. TURNER: Okay, Harold, you can  
10 take that document down.

11 Harold, if you can pull up Exhibit  
12 Q2 which was premarked -- actually, strike that.

13 If you could pull up Exhibit G,  
14 please.

15 Q. And Mr. Lehr, this exhibit was  
16 used in the deposition of Emory Brooks and has  
17 been premarked. If you would take a second to  
18 quickly scroll through the six pages.

19 (Witness reviewing document.)

20 A. Okay.

21 Q. Mr. Lehr, do you recognize this  
22 document?

23 A. No.

24 Q. Is this the sublease application  
25 Kaled would have received from CCMS?

1 A. I don't know.

2 MS. TURNER: If you go to the  
3 first page, Harold.

4 Q. Do you see here that it's  
5 described as sublet application, West 27th  
6 Street Realty, Inc., 129-31 West 27th Street?

7 A. Yes.

8 Q. Does that appear to be a sublease  
9 application for the building?

10 A. Yes.

11 Q. And Kaled did not create this  
12 application?

13 A. We created the document, yes.

14 Q. Mr. Lehr, didn't you testify  
15 earlier today that you didn't create the  
16 sublease application?

17 A. I did. We printed the document  
18 and sent it.

19 Q. You printed the sublease  
20 application and sent it?

21 A. Yes.

22 Q. Where?

23 A. I guess to Mr. Shamash.

24 Q. But you were not the original  
25 author of the sublease application?



1 A. That is correct.

2 Q. And who was the original author of  
3 the sublease application?

4 A. Mr. Conte, I believe.

5 Q. And Mr. Conte added Susan Rubin  
6 and Kaled Management's contact information to  
7 this first page of the sublease information?

8 A. Yes.

9 Q. But you didn't review the sublease  
10 application when it was completed by my client?

11 A. No.

12 MR. MARGOLIS: Objection.

13 MS. TURNER: Harold, if you could  
14 scroll to the last page. Thank you.

15 Q. Did Kaled complete a credit or  
16 background check for CCMS or Mr. Brooks?

17 A. I don't know.

18 Q. But Mr. Brooks provided his  
19 authorization to complete that credit check?

20 A. I see that.

21 Q. But you're not aware if any credit  
22 check was performed?

23 A. No, I'm not.

24 MS. TURNER: Harold, if you could  
25 go to the second page.

1                   Actually, I'm sorry, Harold, it's  
2                   the third page of this document, second page of  
3                   the sublease application.

4                   Q.       Mr. Lehr, could you please read  
5                   for me at the top of the document number 6,  
6                   starting with "Please give description of daily  
7                   operation."

8                   MR. MARGOLIS:   Objection.

9                   MR. MARTUCCI:   Please note my  
10                  objection as well.

11                  A.       "At the 129 West 27th Street  
12                  office, we will operate a licensed out-patient  
13                  clinic providing psychotherapist services."

14                  Q.       Mr. Lehr, were you aware that CCMS  
15                  intended to operate an out-patient clinic at the  
16                  building?

17                  A.       No.

18                  Q.       Is there any reason why they  
19                  wouldn't have been allowed to operate an  
20                  out-patient clinic at the building?

21                  MR. MARGOLIS:   Objection.

22                  A.       None that I am aware of.

23                  Q.       Do you think the eighth floor,  
24                  thinking about the physical space, would have  
25                  worked for an out-patient clinic?

1 MR. MARGOLIS: Objection.

2 MR. MARTUCCI: Objection.

3 A. I don't know.

4 Q. Did you testify earlier that there  
5 were about ten private offices on the eighth  
6 floor?

7 A. Yes.

8 Q. Could those have been used to  
9 serve patients in an out-patient clinic?

10 MR. MARGOLIS: Objection.

11 MR. MARTUCCI: Objection.

12 A. I don't know how a  
13 psychotherapist's office works, so I have no  
14 opinion or understanding on that.

15 Q. Understood.

16 MS. TURNER: Harold, you can take  
17 that document down.

18 Q. Did anyone from Kaled forward the  
19 sublease application to the board?

20 A. I think Susan Rubin did.

21 Q. And why did she do that?

22 A. Because we would have collected  
23 the information and forwarded it to the board.

24 Q. Did one of the board members ask  
25 someone from Kaled to forward the application to

1       them?

2               A.       Not that I'm aware of.

3               MS. TURNER:   Harold, if you could  
4       pull up Exhibit M, please.

5               THE TECHNICIAN:   I'm sorry,  
6       counsel, you said M?

7               MS. TURNER:   M as in Mary.

8               Q.       Mr. Lehr, this document is  
9       premarked as Exhibit M and was used in the  
10      deposition of Emory Brooks.  If you could just  
11      take a second to review it and let us know when  
12      you're ready.

13              (Witness reviewing document.)

14              THE WITNESS:   Okay, you can  
15      scroll.  You can scroll.  Okay.

16              Q.       Mr. Lehr, do you recognize this  
17      document?

18              A.       No.

19              MS. TURNER:   Harold, if you could  
20      scroll to the bottom so we can get the first  
21      chunk of the exchange.  Right there.

22              Q.       Mr. Lehr, is that your email  
23      address, Peter Lehr, peter@kaled.com in the cc  
24      box?

25              A.       It is.

1 Q. And was this email sent on  
2 December 26, 2019?

3 A. Yes.

4 Q. And who's the sender?

5 A. Mike Conte.

6 Q. And is there anyone else on the  
7 email that you recognize?

8 A. Susan Rubin. And Shamash.

9 Q. I'm sorry, did you say Nigel  
10 Shamash?

11 A. Mr. Shamash, yes.

12 Q. Can you read the email aloud for  
13 me please?

14 MR. MARTUCCI: Objection.

15 MR. MARGOLIS: Objection.

16 A. "The board will meet on January  
17 14, 2020 to consider this application. It is  
18 customary that the applicant appear for an  
19 interview at that time. According to our  
20 bylaws, all sublets must be approved. I am not  
21 sure why anyone would assume otherwise."

22 Q. Mr. Lehr, what did you understand  
23 Mr. Conte to mean by that email?

24 MR. MARGOLIS: Objection.

25 MR. MARTUCCI: Objection.

1           A.       That an interview is part of the  
2 process.

3           Q.       Do you know why January 14, 2020  
4 was chosen for the interview?

5           A.       No.

6           Q.       When Mr. Conte says it is  
7 customary that the applicant appear for an  
8 interview, what do you think he meant?

9                   MR. MARGOLIS:  Objection.

10                  MR. MARTUCCI:  Objection.

11          A.       I don't know what he meant.

12          Q.       In your experience of managing the  
13 property since 2016, was it customary to  
14 interview sublease applicants?

15          A.       I don't know.

16          Q.       Did you testify earlier that no  
17 other sublease applicants had been interviewed  
18 from the time you took over managing the  
19 property?

20          A.       That is correct.

21                  MR. MARGOLIS:  Objection.

22          Q.       So why would Mr. Conte think that  
23 it was customary for the applicant to appear for  
24 an interview?

25          A.       I don't know.

1 Q. When Mr. Conte referenced the  
2 bylaws that required sublets must be approved,  
3 what was your understanding of the bylaws?

4 A. I don't understand your question.

5 Q. Have you ever looked at the bylaws  
6 for the building?

7 A. I have.

8 Q. What do they say with respect to  
9 subleases?

10 A. I've never looked at that.

11 Q. So you don't have any knowledge of  
12 whether the bylaws state that sublease  
13 applications require approval?

14 A. I have no knowledge of that.

15 Q. Why did Mr. Conte cc you on this  
16 email?

17 A. Don't know.

18 MR. MARGOLIS: Objection.

19 Q. What do you think Mr. Conte meant  
20 by his statement, "I am not sure why anyone  
21 would assume otherwise"?

22 MR. MARTUCCI: Objection.

23 MR. MARGOLIS: Objection.

24 A. I don't know.

25 MS. TURNER: Harold, you can take

1       that document down.

2                     Harold, if you could pull up  
3       Exhibit RR, please.

4                     MR. MARGOLIS:   Conte RR?

5                     MS. TURNER:   Yes, please.

6                     MR. MARGOLIS:   Thank you.

7             Q.       Mr. Lehr, this document has been  
8       premarked RR and it was used at the deposition  
9       of Michael Conte.  If you could just take a  
10      second to scroll and let us know when you're  
11      ready.

12                    (Witness reviewing document.)

13                    THE WITNESS:   Okay.  Stop.

14                    (Witness reviewing document.)

15                    MS. TURNER:   Harold, we're going  
16      to focus on the end of the email chain.  Up a  
17      little bit.

18             Q.       Mr. Lehr, do you recognize this  
19      document?

20             A.       I don't think I've ever seen this  
21      document.

22             Q.       Does this appear to be an email  
23      from Susan Rubin regarding the sublease  
24      interview set for January 14th, 2020?

25             A.       Yes, it appears to be.



1 Q. Why did Ms. Rubin email  
2 Mr. Shamash and CCMS's broker regarding the  
3 interview?

4 MR. MARGOLIS: Objection.

5 MR. MARTUCCI: Objection.

6 A. I don't know.

7 Q. Did you instruct her to interview  
8 Mr. Shamash and the broker?

9 A. No.

10 Q. Do you know where she got the  
11 email addresses for CCMS's broker, Mr. Brooks,  
12 and CCMS's attorney?

13 A. No.

14 MS. TURNER: Harold, if you could  
15 scroll up to the first page, bottom of the first  
16 page starting with "From Susan Rubin."

17 Q. Mr. Lehr, what's your  
18 understanding of Ms. Rubin's response?

19 MR. MARGOLIS: Objection.

20 A. There were no board -- they were  
21 not available at this time.

22 Q. Were there any discussions between  
23 you and the board regarding their availability  
24 for an interview?

25 A. No.

1 Q. Are board members often traveling  
2 during this time of year?

3 A. I don't know.

4 Q. When Ms. Rubin stated, "Also this  
5 is a commercial co-op and all approvals are  
6 tendered in writing," what do you think she  
7 meant?

8 MR. MARGOLIS: Objection.

9 MR. MARTUCCI: Objection.

10 A. I don't know.

11 Q. Did she mean that board approval  
12 could be tendered in writing for the sublease?

13 A. I don't know.

14 Q. Do you know where she got that  
15 language from?

16 A. No.

17 MR. MARGOLIS: Objection.

18 MS. TURNER: Harold, you can take  
19 that document down, thank you.

20 Q. Mr. Lehr, after CCMS submitted the  
21 sublease application and it was forwarded to the  
22 board, what was Kaled's involvement in the  
23 process?

24 MR. MARGOLIS: Objection.

25 A. Collected the information and we

1 forwarded it to the board.

2 Q. And after you forwarded it, did  
3 Kaled have any contact with the board members  
4 regarding the sublease?

5 A. Other than trying to set up a  
6 date, Susan was trying to set up a date. That  
7 would be the only involvement.

8 Q. Did you or anyone from Kaled have  
9 any contact with Mr. Shamash regarding the  
10 sublease after the materials were forwarded?

11 A. Not that I'm aware of.

12 MS. TURNER: Harold, if you could  
13 pull up Exhibit KK. It's named Shamash KK.

14 Q. Mr. Lehr, this document was  
15 premarked KK and was used in the deposition of  
16 Nigel Shamash. If you could just take a second  
17 to look it over and let me know when you're  
18 ready.

19 (Witness reviewing document.)

20 THE WITNESS: Can you scroll to  
21 the top, please. Okay.

22 Okay, you can scroll down. Okay.

23 Q. Mr. Lehr, do you recognize this  
24 document?

25 A. Yes.

1 Q. Looking at the top, do you see  
2 your email address anywhere?

3 A. Yes.

4 Q. When did you receive this email?

5 A. This came in on January 15th.

6 Q. Do you know why the date isn't  
7 listed on this document?

8 A. No.

9 Q. But you're sure that it came in  
10 January 15th, 2020?

11 A. I'm not sure.

12 Q. So where did you get the date  
13 January 15th, 2020?

14 A. Because it talks about the  
15 interview on January 14th.

16 Q. So how do you know that you  
17 received it on January 15th, 2020?

18 A. I don't.

19 Q. And this letter was sent to you  
20 and Ms. Rubin?

21 A. Yes.

22 Q. And who was cc'd on this email?

23 A. Marc Paturet.

24 Q. Why was he cc'd on the email?

25 MR. MARGOLIS: Objection.

1 MR. MARTUCCI: Objection.  
2 A. He's the board president.  
3 Q. Was he present at the interview?  
4 A. No, he was not.  
5 Q. So then why was he cc'd?  
6 MR. MARGOLIS: Objection.  
7 MR. MARTUCCI: Objection.  
8 A. I don't know why.  
9 Q. Has Mr. Conte ever sent you  
10 meeting notes or minutes like this before?  
11 A. No.  
12 Q. Did you think it was strange that  
13 he sent you this?  
14 MR. MARGOLIS: Objection.  
15 A. No.  
16 Q. Did you read it at the time?  
17 A. I probably did, yes.  
18 Q. Did you respond to Mr. Conte?  
19 A. No.  
20 Q. Did Ms. Rubin respond to  
21 Mr. Conte?  
22 A. I don't know.  
23 Q. Did Marc Paturet respond to  
24 Mr. Conte?  
25 A. I don't know.

1 Q. Was there any further follow-up  
2 based on this email from Mr. Conte?

3 MR. MARGOLIS: Objection.

4 A. I don't recall.

5 Q. Based on Mr. Conte's email, what  
6 was your understanding of the January 14th, 2020  
7 interview with CCMS?

8 MR. MARGOLIS: Objection.

9 MR. MARTUCCI: Objection.

10 A. The application was denied.

11 MS. TURNER: Harold, if you could  
12 just scroll to the bottom of this page.

13 Q. Mr. Lehr, do you see what says  
14 "Submitted and sworn to be true, F. Michael  
15 Conte, 1/14/2020"?

16 A. Yes.

17 Q. Do you know why Mr. Conte would  
18 have included that language in the email?

19 MR. MARGOLIS: Objection.

20 MR. MARTUCCI: Objection.

21 Q. Going back up to the top of the  
22 document. Mr. Lehr, were there any attachments  
23 to this email?

24 A. I don't remember.

25 Q. Do you see attachment

1 doc046914.PDF?

2 A. Yes.

3 Q. What was that document?

4 A. I don't know.

5 Q. Did you review it?

6 A. I don't remember.

7 Q. What's your understanding of why  
8 the board members voted to deny the sublease?

9 MR. MARGOLIS: Objection.

10 MR. MARTUCCI: Objection.

11 A. I don't know.

12 Q. You don't know why they denied the  
13 sublease?

14 A. Nope.

15 MR. MARTUCCI: Objection.

16 MR. MARGOLIS: Objection.

17 Q. Do you know if anyone from Oxford  
18 received a copy of these meeting minutes?

19 A. I don't know.

20 Q. Did you save a copy of these  
21 meeting minutes?

22 A. I don't remember.

23 Q. Do you typically keep copies of  
24 meeting minutes for annual meetings or quarterly  
25 meetings?

1 A. I do.

2 Q. Do you store them in a certain  
3 place?

4 A. A minute book.

5 Q. And are these meeting minutes  
6 stored in that same place?

7 A. Don't remember.

8 MS. TURNER: Harold, you can take  
9 this document down.

10 Q. Mr. Lehr, in your opinion, why  
11 wasn't Oxford able to sublease the eighth floor?

12 MR. MARGOLIS: Objection.

13 MR. MARTUCCI: Objection.

14 A. I have no opinion.

15 Q. Given your 20 plus years of  
16 experience in property management, you don't  
17 have any opinions as to why a tenant can't  
18 sublease their space?

19 MR. MARTUCCI: Objection.

20 MR. MARGOLIS: Objection.

21 A. I have no opinion.

22 Q. Since CCMS applied to sublease the  
23 eighth floor, have there been any other sublease  
24 applicants for any floors?

25 A. No.



1           Q.       Mr. Lehr, after the board  
2 interview, did you speak with any of the board  
3 members?

4           A.       No.

5           Q.       About the interview?

6           A.       No.

7           Q.       Did you speak to any of the  
8 shareholders regarding the interview?

9           A.       No.

10          Q.       In that three plus years since the  
11 interview, you haven't had any conversations  
12 with any board members or shareholders --

13                   MR. MARTUCCI:  Objection.

14          Q.       -- regarding the interview?

15          A.       No, not that I recall.

16          Q.       Have you spoken with anyone at  
17 Kaled Management about the sublease interview?

18          A.       No.

19                   MS. TURNER:  Harold, if you could  
20 pull up Exhibit BB.  The file is named Shamash  
21 BB, B as in boy.

22          Q.       Mr. Lehr, if you could just take a  
23 second to review this and let Harold know when  
24 he needs to scroll.

25                   (Witness reviewing document.)

1 A. Done. Okay.

2 Q. Mr. Lehr, we're going to focus on  
3 the middle of the first page of this document.

4 A. Okay.

5 Q. To start, do you recognize this  
6 document?

7 A. No.

8 Q. Is there a date of this document  
9 on it?

10 A. November 26th, 2019.

11 Q. And do you recognize any names on  
12 the document?

13 A. Nigel.

14 Q. Nigel Shamash, and he represents  
15 Oxford?

16 MR. MARGOLIS: Objection.

17 Q. Which owns the seventh and eighth  
18 floor?

19 A. Yes.

20 Q. Do you see in the center of the  
21 document, Mr. Lehr, when Nigel Shamash writes:  
22 "Yes, attorneys should be talking, spoke to  
23 president of board. Working on it. All good."

24 A. Yes, I see that.

25 Q. What do you think Mr. Shamash

1       meant --

2                       MR. MARTUCCI:  Objection.

3               Q.       -- by "spoke to president of  
4       board"?

5                       MR. MARGOLIS:  Objection.

6               A.       I don't know.

7               Q.       Is it possible he was referring to  
8       Marc Paturet?

9                       MR. MARGOLIS:  Objection.

10                      MR. MARTUCCI:  Objection.

11              A.       I don't know.

12              Q.       Would there be any reason for  
13       Mr. Shamash to speak to Marc Paturet?

14                      MR. MARGOLIS:  Objection.

15                      MR. MARTUCCI:  Objection.

16              A.       I don't know.

17              Q.       If Mr. Shamash was seeking  
18       approval of the sublease for the eighth floor,  
19       would he reach out to Marc Paturet as the  
20       president of the board?

21              A.       I don't know.

22              Q.       Is there any reason for  
23       Mr. Shamash to lie about speaking with the  
24       president of the board?

25                      MR. MARGOLIS:  Objection.

1 MR. MARTUCCI: Objection.

2 A. I don't know.

3 MS. TURNER: Harold, you can take  
4 that document down.

5 The next document we're going to  
6 look at is Shamash DD, as in dog.

7 Q. Mr. Lehr, again this document is  
8 premarked as DD and was used in the deposition  
9 of Nigel Shamash. If you could just take a  
10 second to review.

11 A. Okay, you can scroll.

12 (Witness reviewing document.)

13 Okay.

14 Q. Are you ready, Mr. Lehr?

15 A. Yeah.

16 MS. TURNER: Harold, if you could  
17 scroll to the middle of the second page.  
18 Perfect, right there.

19 Q. Mr. Lehr, do you recognize this  
20 document?

21 A. No.

22 Q. Do you recognize any names on it?

23 A. Yes.

24 Q. What names?

25 A. Nigel and Saul.

1 Q. Have you ever met Saul?

2 A. I may have.

3 Q. Have you ever corresponded with  
4 him?

5 A. I may have.

6 Q. But you understood that he's  
7 affiliated with Oxford which owns the seventh  
8 and eighth floor?

9 A. Yes.

10 Q. On December 10th, 2019 Saul wrote  
11 "vote status?" What do you think Saul meant?

12 MR. MARGOLIS: Objection.

13 MR. MARTUCCI: Objection.

14 A. I don't know.

15 Q. Is it possible Mr. Tawil was  
16 referring to board approval for the sublease?

17 MR. MARGOLIS: Objection.

18 MR. MARTUCCI: Objection.

19 A. I don't know.

20 MS. TURNER: Harold, if you could  
21 just scroll up to the next response. Scroll  
22 down a little bit.

23 Q. Mr. Lehr, that same day Nigel  
24 writes back to Saul, December 10, 2019 and says,  
25 "Still waiting." And the next day Saul responds

1 on December 11, 2019 and says, "Any sense of  
2 when?" Do you know what Nigel and Saul are  
3 referring to there?

4 MR. MARTUCCI: Objection.

5 MR. MARGOLIS: Objection.

6 A. No.

7 Q. Is it possible that one of them  
8 was communicating with members of the board in  
9 an attempt to seek approval for the sublease?

10 MR. MARGOLIS: Objection.

11 MR. MARTUCCI: Objection.

12 A. I don't know.

13 MS. TURNER: Harold, you can take  
14 that document down. If you can pull up Shamash  
15 EE, as in egg.

16 Q. Mr. Lehr, again this document was  
17 used in the deposition of Nigel Shamash and was  
18 premarked EE.

19 When you're ready, if you can just  
20 take a second to review.

21 (Witness reviewing document.)

22 A. Okay.

23 Q. Mr. Lehr, do you recognize this  
24 document?

25 A. No.

1 Q. Do you recognize any names on it?

2 A. Yes.

3 Q. What are those names?

4 A. Nigel, Saul.

5 Q. Do you see on December 12th, 2019

6 Saul wrote, "status on vote"?

7 A. Yes.

8 Q. What do you think he was referring  
9 to?

10 MR. MARTUCCI: Objection.

11 MR. MARGOLIS: Objection.

12 A. I don't know.

13 MS. TURNER: Harold, if you could  
14 scroll up to the bottom of the next page.

15 Q. Mr. Lehr, in response, Mr. Shamash  
16 wrote on December 12th, 2019, "I'm sending  
17 signed lease to Kaled. Joey completely MIA."

18 Is Mr. Shamash referring to Kaled,  
19 which is your employer?

20 MR. MARGOLIS: Objection.

21 MR. MARTUCCI: Objection.

22 A. Yes.

23 Q. And when Mr. Shamash wrote "Joey  
24 completely MIA," who was he referring to?

25 MR. MARGOLIS: Objection.

1 MR. MARTUCCI: Objection.

2 A. I don't know.

3 Q. Is it possible he was referring to  
4 Joseph Grill who owned the 12th floor?

5 MR. MARGOLIS: Objection.

6 MR. MARTUCCI: Objection.

7 A. I don't know.

8 Q. Do you know why Kaled didn't  
9 receive a copy of the signed lease until  
10 December 19th?

11 A. I don't know.

12 Q. A week after this email was sent?

13 A. I don't know.

14 Q. And by December 12th, did you know  
15 that CCMS was applying to sublease the eighth  
16 floor?

17 A. I don't know.

18 Q. You don't recall the first time  
19 you found out that there was a subtenant for the  
20 eighth floor?

21 MR. MARTUCCI: Objection.

22 MR. MARGOLIS: Objection.

23 A. I don't recall.

24 MS. TURNER: Harold, you can take  
25 that document down.



1           Q.       Mr. Lehr, is it possible that  
2 Mr. Shamash was seeking approval for the  
3 sublease in writing without the need for an  
4 interview?

5                   MR. MARGOLIS:   Objection.

6                   MR. MARTUCCI:   Objection.

7           A.       I don't know.

8           Q.       Would that be permitted under the  
9 terms of the proprietary lease?

10                  MR. MARGOLIS:   Objection.

11          A.       I don't know.

12          Q.       Would that be consistent with  
13 board approval you've received in the past?

14                  MR. MARGOLIS:   Objection.

15                  MR. MARTUCCI:   Objection.

16          A.       We didn't have any applications  
17 prior to this.

18          Q.       But the board did sometimes  
19 approve things related to the co-op by signing  
20 on via email?

21                  MR. MARTUCCI:   Objection.

22                  MR. MARGOLIS:   Objection.

23          A.       I don't understand your question.

24          Q.       In the past I believe you  
25 testified earlier that the board has given its

1 approval simply by emailing you without holding  
2 a meeting; is that correct?

3 A. Yes.

4 Q. Is it possible they could have  
5 approved CCMS's sublease simply by emailing you,  
6 stating in writing that it was approved?

7 MR. MARTUCCI: Objection.

8 MR. MARGOLIS: Objection.

9 A. It is possible.

10 Q. Thank you.

11 And Mr. Lehr, you're not aware of  
12 any conversations between Marc Paturet and  
13 anyone at Oxford regarding the sublease?

14 A. No, I'm not.

15 Q. You understand that you're still  
16 under oath?

17 MR. MARTUCCI: Objection.

18 MR. MARGOLIS: Objection.

19 A. Yes.

20 Q. Are you sure that there were no  
21 conversations between Mr. Paturet and anyone at  
22 Oxford regarding the sublease?

23 MR. MARGOLIS: Objection.

24 MR. MARTUCCI: Objection. Asked  
25 and answered.

1           Q.       Mr. Lehr, are you aware of any  
2 issues Mr. Conte had with the prior subtenants  
3 for the seventh or eighth floor?

4           A.       I'm not aware of any.

5           Q.       Are you aware of any issues any  
6 board member had with visitors or employees  
7 using the elevators in the building?

8           A.       No.

9           Q.       Going back to the intercom system  
10 that was installed in the last year in the  
11 building, whose idea was it to install an  
12 intercom system?

13          A.       It came from Mr. Touton. A series  
14 of people had entered the property, got on the  
15 elevators and were going up to his floor in  
16 particular.

17          Q.       Who were those people that entered  
18 the property?

19          A.       Random people off the street.

20          Q.       And did the decision to install an  
21 intercom system, did that require board  
22 approval?

23          A.       Yes.

24          Q.       And how did the board members  
25 vote?

1 MR. MARGOLIS: Objection.

2 A. I believe they voted unanimously  
3 for it.

4 Q. Do you know why the intercom  
5 system wasn't installed earlier?

6 A. No.

7 MR. MARGOLIS: Objection.

8 Q. If CCMS's sublease had been  
9 approved and they were operating their clinic,  
10 could they have used the intercom system to let  
11 in patients?

12 MR. MARGOLIS: Objection.

13 MR. MARTUCCI: Objection.

14 A. Their name, the company name would  
15 have been put on the directory and they could  
16 have used it, yes.

17 Q. And the intercom system would have  
18 allowed only CCMS's patients to enter the  
19 building, and no one else?

20 MR. MARGOLIS: Objection.

21 MR. MARTUCCI: Objection.

22 A. The intercom system was for  
23 everyone's use.

24 Q. It would allow the occupant of  
25 each floor to make sure that only their visitors

1 or employees had access to the building?

2 A. That is correct.

3 MS. TURNER: I think that's all I  
4 have for today.

5 MR. MARGOLIS: I have nothing for  
6 the witness.

7 MR. MARTUCCI: I have nothing.

8 (Deposition concluded 2:48 p.m.)

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REPORTER'S CERTIFICATION

I, NANCY C. BENDISH, Certified  
Court Reporter and Notary Public of the States  
of New York and New Jersey, do hereby certify  
that, prior to the commencement of the  
aforementioned examination, PETER LEHR was sworn  
by me to testify the truth, the whole truth and  
nothing but the truth.

I DO FURTHER CERTIFY that the  
foregoing is a true and accurate transcript of  
the testimony as taken stenographically by me at  
the time, place, and on the date hereinbefore  
set forth.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor attorney nor  
counsel of any party in this action and that I  
am neither a relative nor employee of such  
attorney or counsel, and that I am not  
financially interested in the event nor outcome  
of this action.

  
NANCY C. BENDISH, CCR, RMR, CRR  
Realtime Systems Administrator  
Certificate No. XI00836

Dated: April 6, 2023

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